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October 2, 2022

**Via ECF and Fax**

Honorable Alvin K. Hellerstein  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007  
Fax No. (212)-805-7942

Re: Calvin Powell v. USA, et al.  
19 Civ. 11351 (AKH)

Your Honor:

I represent defendants the City of New York, John Doherty, and Paul McMahon (the "City Defendants") in the above-referenced matter. The City Defendants write to respectfully request that the Court adjourn the case management conference currently scheduled for October 7, 2022, at 10:00 a.m., to a later date convenient for the Court. This is the City Defendants' first such request. There are currently no deadlines or conferences scheduled after the conference. All parties consent to this request.

By way of background, on June 3, 2022, the Court entered the current case management plan, which, *inter alia*, scheduled a post-discovery case management conference for October 7, 2022, at 10:00 a.m., and a settlement meeting between the parties for September 28, 2022, at 10:00 a.m. (ECF No. 173).<sup>1</sup> Thereafter, the undersigned was assigned to trial in the matter McClarin v. City of New York, et al., 16-CV-6846 (FB) (SJB) (E.D.N.Y.), in front of the Honorable Frederic Block in the United States District Court for the Eastern District of New York. Trial was originally scheduled to begin on September 27, 2022, and this Office expected that trial would be completed by September 30, 2022. After the undersigned was assigned to the McClarin trial, the parties in

*The conference is adjourned  
until October 28, 2022 at  
10:00 am*

*Alvin K. Hellerstein*  
10/3/2022

<sup>1</sup> The City Defendants note that there is a pending motion for a limited extension of time to complete discovery in this matter (ECF No. 189).

the instant matter agreed to adjourn their settlement meeting to October 4, 2022, and the undersigned fully expected to be able to attend the October 7, 2022 case management conference.

On September 22, 2022, the McClarin trial was adjourned to September 28, 2022 (*Id.* at Docket Entry Dated September 22, 2022). And, unfortunately, it has become clear from the pace of the presentation of evidence that trial will likely last well into the week of October 3, 2022, and may stretch towards the end of the week in light of, *inter alia*, the observance of Yom Kippur. As such, the undersigned is unable to participate in a settlement meeting prior to the case management conference, and may be unavailable for the conference itself in the event the McClarin trial lasts through Friday.

Accordingly, the City Defendants respectfully request that the Court adjourn the case management conference to a later date convenient for the Court. For the Court's convenience, the parties are available for the conference on Friday, October 28, 2022 (insofar as the conference concludes by 2:45 p.m.), and Friday, November 18, 2022. Defendants note that, to the extent the Court grants this request, the parties will confer and schedule a settlement meeting in advance of the conference.

Thank you for your time and consideration.

Respectfully submitted,

/s/ Zachary Kalmbach  
Zachary Kalmbach  
Assistant Corporation Counsel

CC: Via ECF  
All counsel of record